

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

XL SPECIALTY INSURANCE  
COMPANY et al.,

Plaintiffs,

v.

FRACHT FWO INC.,

Defendant/Third-Party  
Plaintiff,

v.

CMA CGM SA et al.

Third-Party Defendants.

24-cv-1987 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

In November 2023, plaintiffs Leprino Food Dairy Products Company ("Leprino"), a manufacturer and supplier of dairy products, and XL Specialty Insurance Company ("XL"), an insurance company, filed suit against defendant Fracht FWO Inc. ("Fracht"), a non-vessel common carrier, in New York Supreme Court. The complaint alleged that Fracht failed to maintain specific temperature-controlled conditions while transporting a shipment of string cheese, damaging the cheese in violation of applicable bills of lading. Fracht then removed to this Court and filed a third-party complaint, impleading five third-party defendants: CMA CGM SA ("CMA"), Evergreen Marine Corp., Evergreen Marine Singapore, Evergreen Marine UK Ltd., and Yamasa New Pulsar V3 SA (collectively "Evergreen defendants").

The third-party defendants now seek dismissal of the claims against them. On January 17, 2025, CMA filed a motion to dismiss, seeking to dismiss both plaintiffs' and Fracht's claims insofar as they applied to CMA. On January 24, 2025, the Evergreen defendants similarly cross-moved for judgment on the pleadings. After careful consideration, the Court grants both motions. Accordingly, the case will proceed as between plaintiffs and Fracht, only. An Opinion explaining the reasons for this ruling will issue in due course.

SO ORDERED.

New York, NY  
3/5/, 2025

  
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JED S. RAKOFF, U.S.D.J.